

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

v.

JONATHAN N. MILLAGE, JR.,

Defendant.

Case No. 3:13-cr-234-SI

ORDER

Michael H. Simon, District Judge.

On April 10, 2020, Defendant Jonathan N. Millage, Jr. moved for an order of compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i). ECF 31. In his motion, Mr. Millage states that on April 4, 2020, he filed an administrative request for compassionate release with the Federal Bureau of Prisons (“BOP”) by sending his request to the warden of his facility. ECF 31 at 4. A federal court, however, may not modify a term of imprisonment after it has been imposed until “after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier.” 18 U.S.C. § 3582(c)(1)(A).

The Court denies Defendant's Motion for Compassionate Release (ECF 31) without prejudice and with leave to renew if the BOP denies Defendant's request for compassionate release or if the BOP fails to decide Defendant's request within 30 days of the date that the BOP received Defendant's request, whichever comes first.

IT IS SO ORDERED.

DATED this 10th day of April, 2020.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge